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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,208	08/21/2006	Gerardus Henricus Broeksteeg	US040350US	1804

24737 7590 08/21/2008
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

HUERTA, ALEXANDER Q

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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08/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,208	Applicant(s) BROEKSTEEG, GERARDUS HENRICUS	
	Examiner ALEXANDER Q. HUERTA	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7-13, 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Goto et al. (United States Patent 7,218,837), herein referenced as Goto.

Regarding **claim 1**, Goto discloses “a method of displaying a video signal comprising the steps of: retrieving the video signal, generating a graphical display including a bar (on-screen Information) extending in a predetermined direction and divided into at least two program sections, inserting the graphical display into the video signal; and outputting the video signal” [Col. 16 lines 35-43, Col. 16 line 59-Col. 18 line 8, Figs. 6-8].

Regarding **claim 2**, Goto discloses that “the program sections are defined by markers” [Col. 28 line 47-Col. 29 line 14, Fig. 8].

Regarding **claim 3**, Goto discloses that “the markers correspond to either a program change or a channel change” [Col. 28 line 47-Col. 29 line 14, Fig. 8].

Regarding **claim 7**, Goto discloses that “at least one of the program sections is color coded to indicate no signal is available (color changed portion G)” [Col. 11 lines

Art Unit: 2623

25, Figs. 3-8, i.e. if they user were to skip ahead of the cached portion "G" they would be unable to view the program].

Regarding **claim 8**, Goto discloses that "the graphical display further includes a program pointer (playback position mark B)" [Col. 8 lines 6-10, Figs. 4, 6].

Regarding **claim 9**, Goto discloses that "the graphical display further includes a start time graphic and an end time graphic" [Col. 11 lines 25, Figs. 3-8, i.e. the colored portion "G" represents the cached portion of the program and the beginning and ending points designate at what the program will begin and end].

Regarding **claim 10**, Goto discloses that "the graphical display further includes an in flow animation [Col. 14 lines 37-42, Figs. 3-6, 8, i.e. the colored portion "G" of bar "E" represents the cached portion and will increase as the cache fills signifying in flow of data] and an out flow animation" [Col. 14 lines 32-36, Figs. 4, 6, i.e. the playback position "B" will slide along the bar indicating to the user they are using up data in the cache repenting an out flow].

Regarding **claim 11**, Goto discloses "a personal video recording device [Fig. 7], comprising: a buffer for storing a video signal [Col. 16 lines 35-43]; an audio and video coding unit (24) for retrieving and decoding the video signal [Col. 16 lines 1-14, Fig. 7 El. 101], generating a graphical display including a bar extending in a predetermined direction and dividing the bar into at least two program sections [Col. 16 line 59-64, Fig. 6, i.e. the playback marker "B" divides the bar into two program sections], inserting the graphical display into the video signal [Col. 16 line 59-64]; and a switch (6) for outputting the video signal" [Col. 17 lines 5-8, Col. 19 lines 16-21, Fig. 7 El. 108].

Regarding **claims 12-13, 17-20**, claims 12-13, 17-20 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 2-3, 7-10. Claims 2-3, 7-10 describe a method of displaying a video signal and claims 12-13, 17-20 describe a personal video recording device implementing the method. Thus, claims 12-13, 17-20 are rejected.

Regarding **claim 21** Goto discloses “a graphical display for a personal recording device, comprising: a bar (bar “E”) extending in a predetermined direction [Col. 28 lines 47-61, Col. 29 lines 5-14, Figs. 3-6, 8], markers dividing the bar into at least two program sections [Col. 16 line 59-64, Fig. 6, i.e. the playback marker “B” divides the bar into two program sections], and a program pointer” [Col. 8 lines 6-10, Figs. 4, 6].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto, in view of Plourde, Jr. et al. (United States Patent 7,218,839), herein referenced as Plourde.

Regarding **claim 4**, Goto discloses that the on-screen information (bar “E”) displays genre markers [Col. 28 lines 47-61, Col. 29 lines 5-14, Fig. 8], however Goto

Art Unit: 2623

does not explicitly disclose that "the program sections are color coded to indicate genre of a program".

Plourde discloses that it is well known to color code different themed programs in the IPG, which reads on claimed "program sections are color coded to indicate genre of a program" [Col. 1 lines 35-44]. Thus, it would have been obvious to one ordinary skill in the art to apply the technique of color coding different genres of programs as taught by Plourde, to improve the on-screen information system of Goto, for the predictable result of providing the user with a visual indication of the of the theme of the program without the need to look up the program information.

Regarding **claim 6**, Goto fails to explicitly disclose that "at least one of the program sections is color coded to indicate a program is to be saved".

Plourde discloses that "at least one of the program sections is color coded to indicate a program is to be saved" [Col. 8 lines 19-24, Col. 9 lines 49-60, Figs. 4-5]. Thus, it would have been obvious to one ordinary skill in the art to apply the technique of color coding programs to be recorded as taught by Plourde, to improve the on-screen information system of Goto, for the predictable result of providing the user with a visual indication of future programs that are set to be recorded so that they may adjust recording schedules to avoid recording conflicts.

Regarding **claims 14, 16**, claims 14, 16 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 4, 6. Claims 4, 6 describe a method of displaying a video signal and claims 14,16 describe a personal video recording device implementing the method. Thus, claims 14, 16 are rejected.

Claims 5, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto in view of Needham et al. (United States Patent Application Publication 2003/0177495), herein referenced as Needham.

Regarding **claim 5**, Goto discloses on-screen information [Col. 9 lines 28-34, Figs. 3-7, 8, i.e. bar "E"], however Goto does not explicitly disclose "at least one of the program sections is color coded to indicate a program is copy-protected".

Needham discloses "at least one of the program sections is color coded to indicate a program is copy-protected" [0025]. Thus, it would have been obvious to one ordinary skill in the art to apply the technique of color coding copyright protected programs as taught by Needham, to improve the on-screen information system of Goto, for the predictable result of informing the user that they are unable to download certain programs due to copyright restrictions.

Regarding **claim 15**, claim 15 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 5. Claim 5 describes a method of displaying a video signal and claim 15 describes a personal video recording device implementing the method. Thus, claim 15 is rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER Q. HUERTA whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

Art Unit: 2623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta
Examiner
Art Unit 2623

August 13, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623